



## General Rules & Regulations

### PART V PUBLIC ACCESS AND USE

#### **40E-7.511 Policy and Purpose.**

The purpose of the rule in this part is to further implement the legislative intent expressed in Sections 259.101, 373.016(2)(h), and 373.59(11) F.S., and District Land Management Policy 5.001, and therefore, to establish regulations governing public access to certain District lands and use of said lands for general public recreational and allied purposes. It is the intent of these regulations to protect the water resources, native plant communities, fish and wildlife populations, and related natural features of these lands together with any cultural improvements thereon.

Specific Authority 279.101, 373.044, 373.113, 373.171 F.S. Law Implemented 259.101, 373.016, 373.056, 373.103, 373.59 F.S. History- New 5-24-94. Amended 9-10-98.

#### **40E-7.520 Scope and Applicability.**

(1) Everglades Water Conservation Areas One, Two, and Three are exempt and will not be affected or governed by these rules.

(2) The general regulations contained herein are broad in scope and applicable to all management areas.

(3) The regulations are applicable to all persons entering upon, using, or visiting said management areas.

(4) A copy of the regulations contained herein shall be posted at entry points, activity areas, and recreation sites equipped with bulletin boards or otherwise made reasonably available to the public.

(5) The District shall publish and make available to the public, upon request, a "Public Use Guide for Designated Land Management Areas". The Public Use Guide will be considered by the Governing Board at a public meeting advertised in accordance with Chapter 120, F.S. Only rules adopted by the Governing Board shall be effective. Copies of the Public Use Guide are available during working hours from the District headquarters.

(6) Consistent with the environmental sensitivity of these areas and the purposes for which lands were acquired, all management areas are open for general public recreational purposes unless otherwise limited, restricted, or prohibited by special provision in this Rule, by specific provision included in the Governing Board's designated boundary change to an existing management





area or the Governing Board's creation of a new management area or management unit, or as set forth in the Public Use Guide. Nothing in this rule shall prevent other federal, state, or local agencies, including but not limited to those with management contracts with the District, from requiring compliance with their own rules, regulations, or laws to the fullest extent of their lawful authority.

Specific Authority 373.044, 373.113 F.S. Law Implemented 373.016, 373.056, 373.139, 373.1395, 373.1401, 373.59 F.S. History--New 5-24 94, Amended 9-10-98.

#### **40E-7.521 Definitions.**

When used in this part:

- (1) "Activity area" means a zone within a management area designated for specific recreational activities.
- (2) "Allied purposes" means other related outdoor activities including, but not limited to, frogging, photography, painting, environmental education, and nature study.
- (3) "Designated road" means any road, path, lane, or trail officially designated by name or number for public vehicular travel.
- (4) "Entry point" means a designated location or boundary for public access to a management area.
- (5) "General public recreational purposes" means natural resource based outdoor recreational activities including, but not limited to, fishing, hunting, horseback riding, bicycling, swimming, camping, hiking, canoeing, boating, airboating, diving, birding, sailing, and jogging.
- (6) "Management area" means:
  - (a) any Save Our Rivers land, other District land, or combination thereof, listed in the Public Use Guide and managed as a single and distinct unit for the purpose of restoring, preserving, and protecting the water and related environmental resources of said area, including regulating the public uses thereon; and
  - (b) any such lands, acquired by the District since the most recent update of the Public Use Guide and designated by the Governing Board as a boundary change of contiguous lands to an existing management area, or by the creation





of a new management area.

(7) "Management Unit" means a portion of any Save Our Rivers land or other District land within a management area that requires a specific public use regulation due to legal, cultural or environmental factors uniquely affecting the specific unit of land, but which is not applicable to the entire management area.

(8) "Natural Resources" mean water, soils, flora, and fauna.

(9) "Public Use Guide" means the document updated and approved bi-annually by the Board which sets forth management areas, the general rules and regulations governing public use, and any special provisions applicable thereto, and shall also include periodic supplements as to those management area lands referenced in 40E-7.521(6)(6b), above.

(10) "Recreation site" means an improved or unimproved site established to facilitate public use of a designated management area.

(11) "Recreational trail" means riding, hiking, canoeing, bicycling, or jogging trails for use by the public.

(12) "Primitive" camping means no amenities are available.

Specific Authority 373.019, 373.044, 373.113, 373.171 F.S. Law Implemented 373.016, 373.056, 373.069, 373.0693, 373.073, 373.079, 373.083, 373.103, 373.59 F.S. History--New 5-24-94, Amended 9-10-98.

#### **40E-7.523 Access to Management Areas; Closures.**

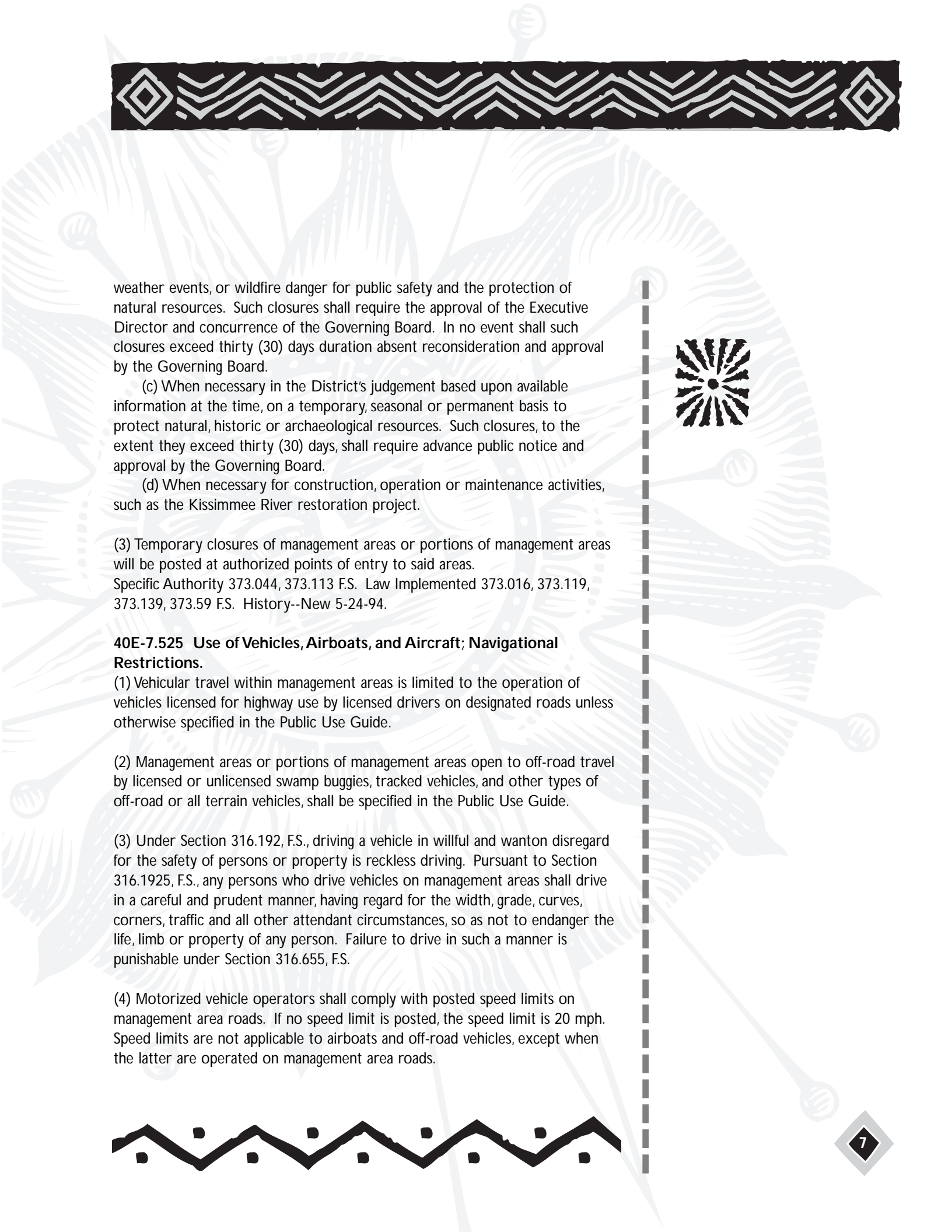

(1) Access to management areas by the general public is only authorized at designated entry points. Designated entry points for specific management areas shall be set forth in the Public Use Guide, or by specific provisions included in the Governing Board's designated boundary change to an existing management area or the Governing Board's creation of a new management area or management unit.

(2) Management areas or portions of management areas shall be closed to public use under the following conditions:

(a) When necessary for public safety such as during wildfires or prescribed burns.

(b) When necessary during emergency conditions such as floods, severe





weather events, or wildfire danger for public safety and the protection of natural resources. Such closures shall require the approval of the Executive Director and concurrence of the Governing Board. In no event shall such closures exceed thirty (30) days duration absent reconsideration and approval by the Governing Board.

(c) When necessary in the District's judgement based upon available information at the time, on a temporary, seasonal or permanent basis to protect natural, historic or archaeological resources. Such closures, to the extent they exceed thirty (30) days, shall require advance public notice and approval by the Governing Board.

(d) When necessary for construction, operation or maintenance activities, such as the Kissimmee River restoration project.

(3) Temporary closures of management areas or portions of management areas will be posted at authorized points of entry to said areas.

Specific Authority 373.044, 373.113 F.S. Law Implemented 373.016, 373.119, 373.139, 373.59 F.S. History--New 5-24-94.

#### **40E-7.525 Use of Vehicles, Airboats, and Aircraft; Navigational Restrictions.**

(1) Vehicular travel within management areas is limited to the operation of vehicles licensed for highway use by licensed drivers on designated roads unless otherwise specified in the Public Use Guide.

(2) Management areas or portions of management areas open to off-road travel by licensed or unlicensed swamp buggies, tracked vehicles, and other types of off-road or all terrain vehicles, shall be specified in the Public Use Guide.

(3) Under Section 316.192, F.S., driving a vehicle in willful and wanton disregard for the safety of persons or property is reckless driving. Pursuant to Section 316.1925, F.S., any persons who drive vehicles on management areas shall drive in a careful and prudent manner, having regard for the width, grade, curves, corners, traffic and all other attendant circumstances, so as not to endanger the life, limb or property of any person. Failure to drive in such a manner is punishable under Section 316.655, F.S.

(4) Motorized vehicle operators shall comply with posted speed limits on management area roads. If no speed limit is posted, the speed limit is 20 mph. Speed limits are not applicable to airboats and off-road vehicles, except when the latter are operated on management area roads.





(5) Bicycles, Horse-drawn carriages and buggies are considered motorized vehicles for the purpose of this rule except that the operators of these conveyances are not required to possess a valid driver's license.

(6) Horses and other saddle animals are not considered to be vehicles for the purpose of this rule.

(7) Airboats may be operated in management area floodplains and littoral zones unless otherwise specified in the Public Use Guide.

(8) The take off or landing of either motorized or non-motorized conventional or model aircraft such as airplanes, helicopters, ultra lights, gliders, and hang gliders, on management units is prohibited unless otherwise specified in the Public Use Guide.

(9) Any restrictions to navigation established pursuant to state or federal law, applicable to management areas, shall be specified in the Public Use Guide and reasonably identified in the field by appropriate signs.

Specific Authority 373.044, 373.113 F.S. Law Implemented 316.192, 316.1925, 316.655, 373.016, 373.139, 373.59 F.S. History--New 5-24-94, Amended 9-10-98.

#### **40E-7.526 Equestrian Activities; Use of Saddle Animals.**

(1) Management areas open to equestrian activities and the use of saddle animals shall be specified in the Public Use Guide.

(2) Where authorized, the use of horses and other saddle animals shall be permitted on all designated roads, other roads, firebreaks, dikes, and ditch banks unless otherwise specified in the Public Use Guide.

(3) The use of horses and other saddle animals on designated hiking trails shall be prohibited.

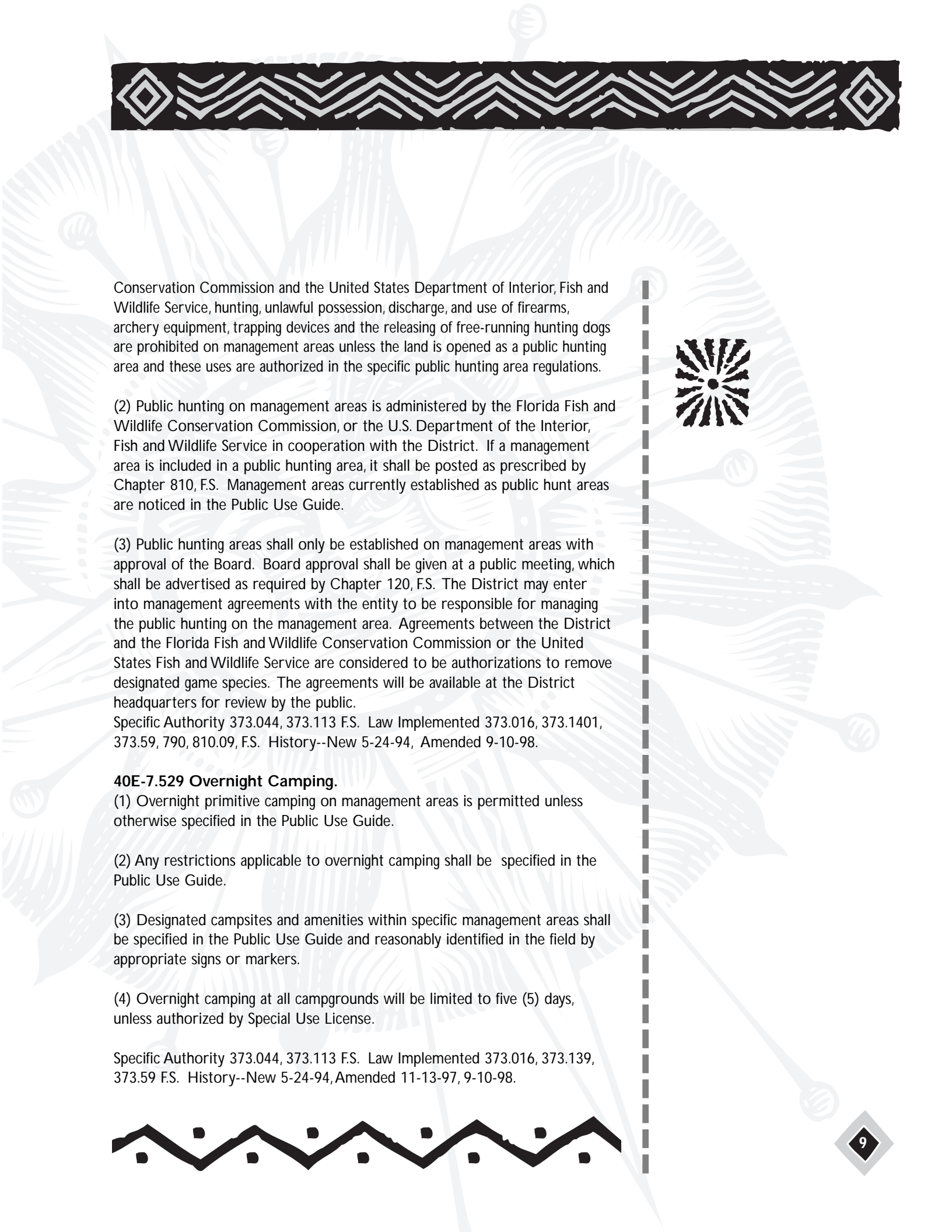

Specific Authority 373.044, 373.113 F.S. Law Implemented 316.192, 316.1925, 316.655, 373.016, 373.139, 373.59 F.S. History--New 5-24-94, Amended 9-10-98.

#### **40E-7.527 Hunting; Possession and Use of Firearms.**

(1) Consistent with Chapter 790, F.S., and other applicable provisions of local, state and federal law, such as the rules and regulations of the Florida Fish and Wildlife







Conservation Commission and the United States Department of Interior, Fish and Wildlife Service, hunting, unlawful possession, discharge, and use of firearms, archery equipment, trapping devices and the releasing of free-running hunting dogs are prohibited on management areas unless the land is opened as a public hunting area and these uses are authorized in the specific public hunting area regulations.

(2) Public hunting on management areas is administered by the Florida Fish and Wildlife Conservation Commission, or the U.S. Department of the Interior, Fish and Wildlife Service in cooperation with the District. If a management area is included in a public hunting area, it shall be posted as prescribed by Chapter 810, F.S. Management areas currently established as public hunt areas are noticed in the Public Use Guide.

(3) Public hunting areas shall only be established on management areas with approval of the Board. Board approval shall be given at a public meeting, which shall be advertised as required by Chapter 120, F.S. The District may enter into management agreements with the entity to be responsible for managing the public hunting on the management area. Agreements between the District and the Florida Fish and Wildlife Conservation Commission or the United States Fish and Wildlife Service are considered to be authorizations to remove designated game species. The agreements will be available at the District headquarters for review by the public.

Specific Authority 373.044, 373.113 F.S. Law Implemented 373.016, 373.1401, 373.59, 790, 810.09, F.S. History--New 5-24-94, Amended 9-10-98.

#### **40E-7.529 Overnight Camping.**

(1) Overnight primitive camping on management areas is permitted unless otherwise specified in the Public Use Guide.

(2) Any restrictions applicable to overnight camping shall be specified in the Public Use Guide.

(3) Designated campsites and amenities within specific management areas shall be specified in the Public Use Guide and reasonably identified in the field by appropriate signs or markers.

(4) Overnight camping at all campgrounds will be limited to five (5) days, unless authorized by Special Use License.

Specific Authority 373.044, 373.113 F.S. Law Implemented 373.016, 373.139, 373.59 F.S. History--New 5-24-94, Amended 11-13-97, 9-10-98.





#### **40E-7.532 Operating Hours.**

Management areas shall be open to public use twenty-four (24) hours a day except during authorized closures as set forth in subsection 40E-7.523(2) above or unless otherwise specified in the Public Use Guide.

Specific Authority 373.044, 373.113 F.S. Law Implemented 373.016, 373.119, 373.139, 373.59 F.S. History--New 5-24-94, Amended 9-10-98.

#### **40E-7.534 Special Use Licenses.**

(1) A Special Use License, issued at no cost to the public, shall be required to engage in select activities on management areas identified by the Governing Board during the bi-annual update of the Public Use Guide, as set forth in subsection 40E-7.521(8), above, when determined necessary to protect the natural resources of said areas, prevent overuse of facilities, or to avoid conflicts between users. Management Areas with Special Use License requirements, including the daily quota for each management area, shall be specified in the Public Use Guide.

(2) A Special Use Application and License shall be submitted to the District on Form #0830. Upon receipt of a properly completed Special Use Application and License Form #0830, the District's Department of Land Stewardship shall issue Special Use Licenses on a first come first served basis until the daily quota established by the District for that activity is reached.

(3) Special Use Licenses shall only be valid for the dates shown on the License and must be in the possession of the applicant while on the management area. If the applicant is a group, then the license must be in the possession of the designated group leader.

(4) Persons wishing to obtain a Special Use License, when required by the District, may apply in person, call, or write to request a copy of Special Use Application and License Form #0830 from the District at the following:

(a) Department of Land Stewardship  
South Florida Water Management District  
Post Office Box 24680  
3301 Gun Club Road  
West Palm Beach, FL 33416-4680  
Telephone: (561) 686-8800 or Florida WATS 1-800-432-2045;  
or email Janetta Worth: [jworth@sfwmd.gov](mailto:jworth@sfwmd.gov) or





(b) from the applicable service center as set forth in the special provisions for the specific management area.

(5) In the event the daily quota has been reached, the District shall notify the Special Use License applicant that the District intends to deny the application, and the applicant may request further consideration by the Governing Board.

(6) The Executive Director shall revoke a Special Use License if the licensee violates any provisions of this Rule or the Special Use License.

(7) Special Use Licenses shall be issued by the District's Land Stewardship Department in accordance with the provisions of this section, for the purpose of providing mobility impaired persons the opportunity to use motorized vehicles to access portions of the management areas not otherwise open to motorized vehicles. Licenses for this purpose will be issued upon request, including proof of mobility impairment, as long as the requested use will not adversely impact the resource, impair the safety and welfare of the user, interfere with the reasonable use by others, or result in substantial financial obligations by the District to accommodate the user. Proposed effective date: January 1, 2001

Specific Authority 373.044, 373.113 F.S. Law Implemented 373.016, 373.139, 373.59 F.S. History--New 5-24-94, Amended 9-14-00.

#### **40E-7.537 General Prohibitions.**

The following shall be prohibited on all management areas.

(1) Parking a motor vehicle in an unauthorized location or in a manner blocking roads, levees, maintenance berms, gates, or water control structures.

(2) Discharging firecrackers, rockets, or any other fireworks.

(3) Pets, other than leashed dogs and service animals under the control of the owner. This prohibition does not apply to hunting dogs utilized in conjunction with an approved hunting program where the use of dogs is permitted.

(4) Destroying, defacing, or removing any natural feature or native plant, including the felling of dead trees.

(5) Destroying, injuring, defacing, removing, or disturbing in any manner any public building, tower, recorder, gage, sign, gate, fence, equipment, monument, marker, or other structure or improvement.







(6) Destroying or damaging scientific study plots, photo points, transect lines, or survey markers.

(7) Trespassing on, operating, or interfering with the operation of water control structures.

(8) Discharging or disposing of oil, gasoline, or other chemicals and wastes.

(9) Servicing or maintaining vehicles and equipment except when in conjunction with authorized recreational activities and allied purposes.

(10) Disposing of any garbage, including paper, cans, bottles, waste materials, and rubbish other than in containers provided for such disposition.

(11) Draining or dumping refuse or waste from any travel trailer, camper, mobile home or recreation vehicle other than in places or receptacles designated for such use.

(12) Cleaning fish, game, or food at potable watering stations or in rest rooms, or washing clothing or articles of household use at such facilities.

(13) Using refuse containers or other refuse facilities for disposal of household or commercial garbage or trash.

(14) Installing, erecting, or maintaining any unauthorized camp, building, structure, or sign.

(15) Building a fire other than in an authorized campsite or picnic area or outside of grills, fireplaces, or fire rings provided by the District or other authorized management agency for such purpose. This prohibition does not apply to portable campstoves or grills provided by the user.

(16) Selling or offering for sale any merchandise without the prior written consent of the District's Governing Board. Requests to the District for consent shall be made in writing, directed to the Land Stewardship Division - Land Management Department, and shall be submitted not less than 28 days prior to the regularly scheduled Governing Board Meeting for consideration. Consideration to such consent shall be given at a regularly scheduled meeting of the District's Governing Board. Although the Board's analysis of requests to sell merchandise within a management area is primarily site specific in nature, consideration shall be given to such factors as: immediate and potential impact



on the environment, immediate and potential impact on members of the public using the management area, the size of the management area in relation to the area impacted by the proposed sale, and overall benefits to the public.

(17) Operating bicycles on trails closed to such use.

Specific Authority 373.044, 373.113 F.S. Law Implemented 373.016, 373.139, 373.59 F.S. History--New 5-24-94, Amended 9-10-98.

**40E-7.539 Penalties.**

(1) Pursuant to Section 373.609, F.S., it shall be the duty of every state and county attorney, sheriff, police officer, and the appropriate city and county official to assist the District, and their agents, in the enforcement of the provisions of this rule.

(2) Any person who violates any provision of this rule is subject to eviction from the premises and/or arrest and prosecution for a second degree misdemeanor, punishable as provided in Section 775.082, or Section 775.083, F.S.

(3) The penalties identified in these rules do not supersede other penalties or options available to District such as civil remedies.

Specific Authority 373.044, 373.113 F.S. Law Implemented 373.016, 373.129, 373.59, 373.609, 373.613 F.S. History--New 5-24-94, Amended 9-10-98.

